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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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C. Healion
C. Healion

Applicant : Jason Alexander Trachewsky, et al.

Application No. : 09/825,775

Filed : April 4, 2001

Title : METHOD OF DETERMINING AN END
OF A TRANSMITTED FRAME IN A
FRAME-BASED COMMUNICATIONS
NETWORK

Grp./Div. : 2133

Examiner : Not assigned

Docket No. : 42140/RJP/E264

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FEB 22 2002

OFFICE OF PETITIONS

PETITION

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068
October 26, 2001

Commissioner:

In response to the Notice of Incomplete Reply (Nonprovisional) mailed October 11, 2001, the Applicants submit this Petition and Petition Fee in the amount of \$130. (37 CFR 1.17(h)).

The Notice Of Incomplete Reply indicates that the reply filed by the Applicant in response to the Notice To File Corrected Application Papers mailed July 31, 2001 did not include certain items required in the Notice and that Figures Fig. 70a, 70b described in the Specification appear to have been omitted from the application.

The Applicants submit that the reply was not incomplete since there was no issue raised as to specific figures, merely requesting

Application No. 09/825,775

substitute drawings with proper margins. Enclosed is a copy of the subject Notice To File Corrected Application Papers.

Further, the Applicants submit that the Application as filed included a Preliminary Amendment filed concurrently as part of the Application papers, wherein the Applicant amended the Brief Description of the Drawings portion of the Specification to correct typographical errors identifying Figs. 70 - 75 with their appropriate descriptions. Enclosed herewith are copies of the Utility Patent Application Transmittal indicating the Preliminary Amendment enclosed therewith, the Preliminary Amendment text, and the return postcard indicating that the Preliminary Amendment was included and received as part of the Application filing papers.

Accordingly, the Applicants submit that the Notice of Incomplete Reply has been issued in error and that the Petition Fee accompanying this Petition should be refunded.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
Richard J. Paciulan
Reg. No. 28,248
626/795-9900

RJP/cah
Enclosures
CAH PAS389122.1--10/26/01 10:17 AM

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/825,775	04/04/2001	Jason Alexander Trachewsky	42140/RJP/E264

CONFIRMATION NO. 3985

23363
CHRISTIE, PARKER & HALE, LLP
350 WEST COLORADO BOULEVARD
SUITE 500
PASADENA, CA 91105

FORMALITIES LETTER



OC00000006886804

Date Mailed: 10/11/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

01/11/2002 SSESHE1 00000029 09825775

01 FC:122

130.00 OP

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 08/31/2001 to the Notice to File Missing Parts (Notice) mailed 07/31/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The following item(s) appear to have been omitted from the application:

- Figure(s) Fig. 70a, 70b described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must be filed within TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must be filed within TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively

electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

AP
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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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JAN 08 2001
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AUG 03 2001

RJP

Christie, Parker & Hale LLP

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/825,775	04/04/2001	Jason Alexander Trachewsky	42140/RJP/E264

CONFIRMATION NO. 3985

23363
CHRISTIE, PARKER & HALE, LLP
350 WEST COLORADO BOULEVARD
SUITE 500
PASADENA, CA 91105

FORMALITIES LETTER



OC000000006365932

CASE # 42140 ACTION Correction of
appl papers
REMINDER _____ DUE DATE 9/30/01
DEADLINE 1/31/02

Date Mailed: 07/31/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

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APPLICATION

E264

42140

RJP/sad

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04/04/01

Client ID

Case No

Atty/Sec

Date Mailed

Express Mail No.

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SERIAL NUMBER/FILING DATE

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JC9709/825715

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